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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,033	02/09/2005	Zdravko Paluncic	2004_1964A	4870
513	7590	10/28/2009	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			RASHID, MAHBUBUR	
1030 15th Street, N.W.,			ART UNIT	PAPER NUMBER
Suite 400 East				3657
Washington, DC 20005-1503				
MAIL DATE		DELIVERY MODE		
10/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/524,033	PALUNCIC ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MAHBUBUR RASHID	3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 September 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 17-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 17-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Amendment***

Claims 1-16 are canceled.

Claims 17 and 23 are amended.

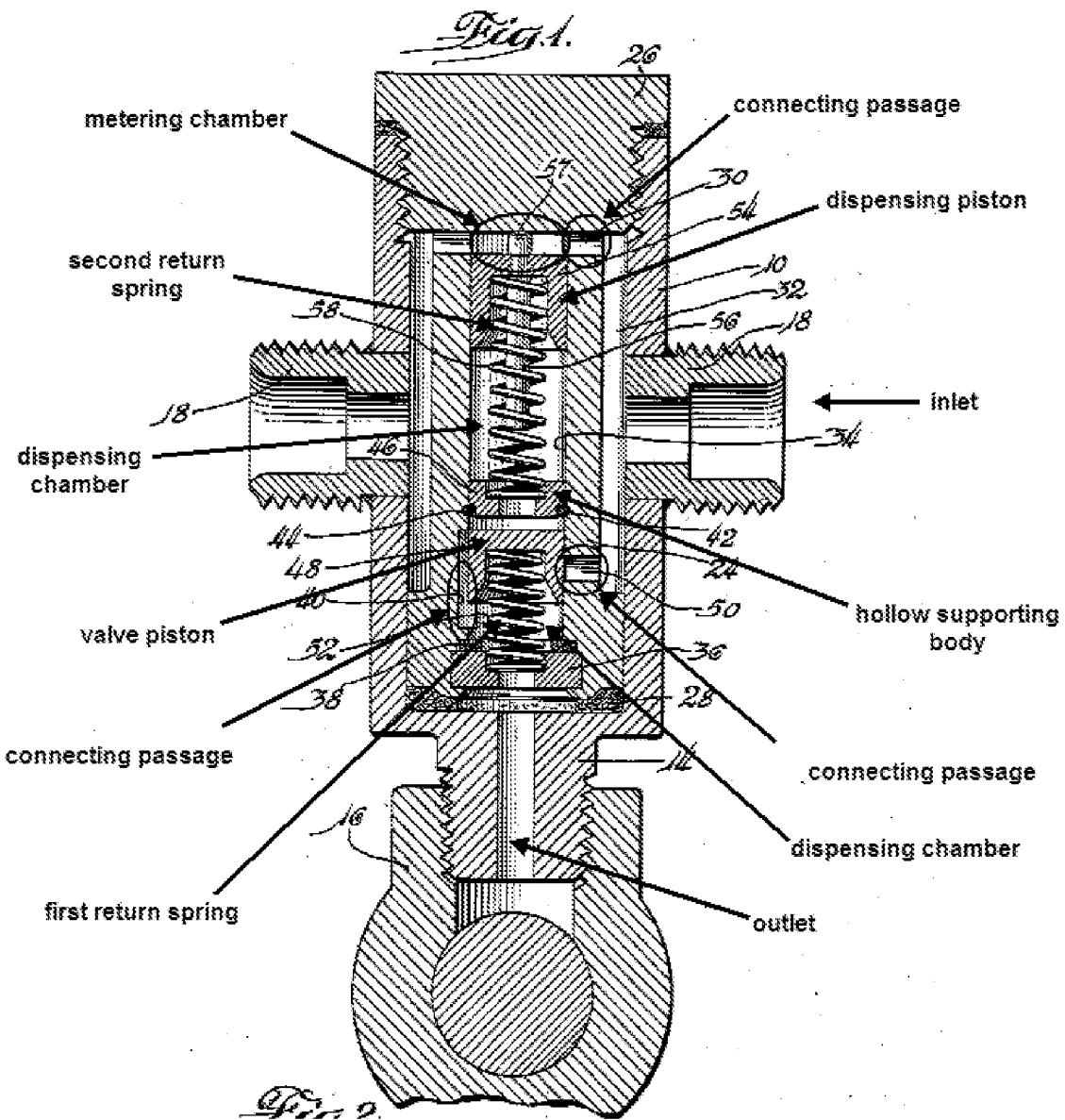
### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 17-19 and 23- 25 are rejected under 35 U.S.C. 102(b) as being anticipated by J. T. Leonard (US 2,627,939).**



Regarding **claims 17-19 and 23- 25**, Leonard discloses a distributor element (figs. 1-2) comprising:

a housing (10 and 24) having a lubricant inlet (32) , a connecting passage (30, 40 and 50 and see figure above) , and a lubricant outlet (see figure above);  
a valve piston (48) having a bore;  
a first return spring (52);  
a dispensing piston (54) and a metering chamber (see figure above); and  
a second return spring (58);  
a hollow supporting body (46) arranged within said housing between said first return spring (58) and said second return spring (52) such that said hollow supporting body supports and provides leverage for each of said first return spring and said second return spring;  
wherein the valve piston (48) is movable within the housing (10 and 24) between:  
a valve piston starting position, where the bore of the valve piston (48) allows a dispensing chamber (see figure above) between the dispensing piston (54) and the valve piston (48) to communicate with the metering chamber (see figure above) via the connecting passage (71) (see also col. 2, line 21 to col. 3, line 9);  
a metering position whereat the valve piston (48) allows the lubricant inlet (see figure above) to communicate with the metering chamber (see figure above) via the connecting passage (see figure above) (see also col. 2, line 21 to col. 3, line 9); and  
an intermediate position whereat the valve piston (48) blocks and the lubricant inlet (see figure above) from communicating with the metering chamber (see figure above) via the connecting passage (see figure above), and blocks the dispensing

chamber (see figure above) from communicating with the metering chamber via the connecting passage (see also col. 2, line 21 to col. 3, line 9);

wherein the dispensing piston (54) is *operable to move* (intended use) within the housing (10) from a dispensing piston starting position, whereat a volume of the metering chamber is a minimum, to a dispense position, whereat the dispensing piston (54) has displaced the lubricant present in the dispensing chamber (see figure above) through the lubricant outlet (see figure above) and has moved the valve piston from the metering position to the intermediate position; and

wherein, upon pressure relief at the lubricant inlet, the valve piston (48) is *operable to be moved* (intended use) back from the intermediate position to the starting position by the first return spring (52), and the dispensing piston (54) is *operable to be* (intended use) moved back from the dispense position to the starting position by the second return spring (58).

**Claim 17-22** are rejected under 35 U.S.C. 102(b) as being anticipated by E. W. Davis (US 2,550,535).

Regarding **claims 17-22**, Davis discloses a distributor element (figs. 1-3) comprising:

a housing (130) having a lubricant inlet (138), a connecting passage (see figs. 1-3), and a lubricant outlet (188);  
a valve piston (combination of 142, 156 and 166) having a bore;  
a first return spring (168);

a dispensing piston (146) and a metering chamber (144); and  
a second return spring (172);  
a hollow supporting body (154) arranged within said housing between said first return spring (168) and said second return spring (172) such that said hollow supporting body supports and provides leverage for each of said first return spring and said second return spring;

wherein the valve piston (combination of 142, 156 and 166) is movable within the housing (130) between:

a valve piston starting position, where the bore of the valve piston (combination of 142, 156 and 166) allows a dispensing chamber (see the chamber in the middle where the springs are located) between the dispensing piston (146) and the valve piston (combination of 142, 156 and 166) to communicate with the metering chamber (144) via the connecting passage (see figs. 1-3);

a metering position whereat the valve piston (combination of 142, 156 and 166) allows the lubricant inlet (138) to communicate with the metering chamber (144) via the connecting passage; and

an intermediate position whereat the valve piston (combination of 142, 156 and 166) blocks and the lubricant inlet (138) from communicating with the metering chamber (144) via the connecting passage, and blocks the dispensing chamber (see the chamber in the middle where the springs are located) from communicating with the metering chamber via the connecting passage (see figs. 1-3);

wherein the dispensing piston (146) is *operable to move* (intended use) within the housing (130) from a dispensing piston starting position, whereat a volume of the metering chamber is a minimum (fig. 1), to a dispense position, whereat the dispensing piston (146) has displaced the lubricant present in the dispensing chamber (see the chamber in the middle where the springs are located) through the lubricant outlet and has moved the valve piston from the metering position to the intermediate position; and

wherein, upon pressure relief at the lubricant inlet, the valve piston (combination of 142, 156 and 166) is *operable to be moved* (intended use) back from the intermediate position to the starting position by the first return spring (168), and the dispensing piston (146) is *operable to be* (intended use) moved back from the dispense position to the starting position by the second return spring (172).

### ***Response to Arguments***

Applicant's arguments with respect to claims 17-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/  
Primary Examiner, Art Unit 3657

/M. R./  
Examiner, Art Unit 3657